

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STATE OF DELAWARE DEPARTMENT	:	
OF NATURAL RESOURCES AND	:	
ENVIRONMENTAL CONTROL,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 09-821 -SLR
v.	:	
	:	
UNITED STATES ARMY CORPS OF	:	
ENGINEERS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**STIPULATION AND ORDER REGARDING
BRIEFING ON MOTION FOR LEAVE TO INTERVENE**

WHEREAS, the proceedings have been expedited due to the pendency of a Motion for Preliminary Injunction (D.I. 3) filed by Plaintiff State of Delaware Department of Natural Resources and Environmental Control ("DNREC"); and

WHEREAS, Proposed Intervenor-Defendant Philadelphia Regional Port Authority ("PRPA) has filed a Motion for Leave to Intervene (D.I. 10) and Plaintiff DNREC has stated its intention to oppose the motion; Proposed Intervenor-Defendant PRPA respectfully requests an Order modifying the briefing schedule as set by the Local Rules;

IT IS HEREBY STIPULATED by Proposed Intervenor-Defendant PRPA, and Plaintiff DNREC, subject to the Court's approval, that:

1. Plaintiff DNREC shall file a response to PRPA's Motion to Intervene on or before November 13, 2009; and
2. PRPA shall file a reply, if any, on or before November 16, 2009.

Dated: November 12, 2009

BALLARD SPAHR LLP

/s/ Beth Moskow-Schnoll

Beth Moskow-Schnoll (#2900)

Sean J. Bellew (#4072)

Ballard Spahr LLP

919 N. Market Street, 12th Floor

Wilmington, DE 19801

Telephone: (302) 252-4465

Facsimile: (302) 252-4466

Attorneys for Proposed Intervenor-Defendant

Philadelphia Regional Port Authority

STATE OF DELAWARE

DEPARTMENT OF JUSTICE

/s/ Jennifer D. Oliva

Joseph R. Biden, III (#4203)

Attorney General

Jennifer D. Oliva (#5046)

Kevin P. Maloney (#2410)

Deputy Attorneys General

820 N. French Street, 6th Floor

Wilmington, DE 19801

Telephone: (302) 577-8400

Attorneys for Plaintiff

Delaware Department of Natural Resources and

Environmental Control

SO ORDERED this ____ day of _____, 2009.

Honorable Sue L. Robinson
United States District Judge